No. 22-666

IN THE

Supreme Court of the United States

SITU KAMU WILKINSON,
Petitioner,

v.

MERRICK B. GARLAND, ATTORNEY GENERAL,
Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

BRIEF FOR FORMER EXECUTIVE OFFICE FOR IMMIGRATION REVIEW JUDGES AS AMICI CURIAE IN SUPPORT OF PETITIONER

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TABLE OF CONTENTS

TABLE OF CONTENTS—Continued

TABLE OF AUTHORITIES

CASES

Page(s)

TABLE OF AUTHORITIES—Continued

STATUTORY AND RULE PROVISIONS

TABLE OF AUTHORITIES—Continued

TABLE OF AUTHORITIES—Continued

TABLE OF AUTHORITIES—Continued

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INTEREST OF AMICI CURIAE

Amici curiae are 32 former immigration judges (IJs) and members of the Board of Immigration Appeals (BIA or Board).[1] A complete list of signatories can be found in Appendix A.

[1] No counsel for a party authored this brief in whole or in part, and no entity or person—other than amici curiae and their counsel—made a monetary contribution intended to fund the preparation or submission of this brief.

Amici have dedicated their careers to the immigration court system and to upholding the immigration laws of the United States of America. Each is intimately familiar with the immigration court system and its procedures. Together, they have a strong interest in ensuring that claims duly asserted in immigration cases are afforded the level of Article III appellate review required by governing law.

INTRODUCTION AND SUMMARY OF ARGUMENT

Federal law lays out a two-step process for determining whether to grant discretionary relief from removal. An IJ first makes a threshold determination whether a non-citizen is statutorily eligible for such relief. *Patel* v. *Garland*, 142 S. Ct. 1614, 1619 (2022). For example, a noncitizen can be eligible for cancellation of removal if he or she can show—among other things—that removal would pose an "exceptional and extremely unusual hardship" to a parent, child, or spouse who is a United States citizen or lawful permanent resident. 8 U.S.C. § 1229b(b)(1)(D).[2] If the noncitizen is eligible for relief, the IJ makes the discretionary decision whether to grant relief as "a matter of grace." *Patel*, 142 S. Ct. at 1619; *accord INS* v. *St. Cyr*, 533 U.S. 289, 307-308 (2001).

In the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Congress enacted several provisions that barred Article III courts from reviewing "the Executive's discretion" regarding

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[2] In addition to satisfying the hardship standard, the applicant must also "ha[ve] been physically present in the United States for a continuous period of not less than 10 years immediately preceding the date of such application;" "ha[ve] been a person of good moral character during such period;" and "ha[ve] not been convicted of" certain specified offenses. 8 U.S.C. § 1229b(b)(1)(A)-(C).

whether to grant relief. *Reno* v. *American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 486 (1999). However, "[t]his bar [on review] has an important qualification." *Patel*, 142 S. Ct. at 1619. Article III courts retain jurisdiction to review "questions of law," a term that this Court recently held includes mixed questions of fact and law such as "the application of a legal standard to undisputed or established facts." *Guerrero-Lasprilla* v. *Barr*, 140 S. Ct. 1062, 1068-1069 (2020) (citing 8 U.S.C. § 1252(a)(2)(D)).

In amici's experience, whether the facts of a particular case satisfy the "exceptional and extremely unusual hardship" eligibility criteria for cancellation is a mixed question of law and fact. Indeed, the Executive Office of Immigration Review ("EOIR") has taken the position that whether the facts underlying the IJ's hardship ruling "amount to 'exceptional and extremely unusual hardship'" under federal law is an issue that "may be reviewed by the Board *de novo*." Board of Immigration Appeals: Procedural Reforms To Improve Case Management, 67 Fed. Reg. 54,878, 54,890 (Aug. 26, 2002); *see also In re Ortega-Mendoza*, 2010 WL 2846330, at *1 (BIA June 28, 2010) (applying "de novo review of the application of law to the facts" to affirm IJ's conclusion that noncitizen had not satisfied the hardship standard). That the hardship question is ultimately a legal one is confirmed by the BIA's long-standing approach of using traditional tools of statutory interpretation and relying on Article III precedent to resolve whether the criterion has been met.

More broadly, Article III review of hardship determinations both promotes consistency and helps ensure the immigration adjudication system functions properly. IJs face a challenging combination of heavy caseloads and administrative pressures to resolve cases rapidly.

In that context, the sober second thought of Article III review of the hardship determination helps ensure fair, well-reasoned, and legally sound decisions. Cases like this one—which required the immigration courts below to decide whether to separate a twenty-year resident of the United States from his ailing son based on a few words of statutory text—underscore the value of Article III precedential opinions in promoting predictability and consistency.

ARGUMENT

I. IMMIGRATION COURTS HAVE LONG UNDERSTOOD THE QUESTION OF WHETHER A NON-CITIZEN HAS ESTABLISHED HARDSHIP FOR PURPOSES OF CANCELLATION OF REMOVAL TO BE A MIXED QUESTION OF LAW AND FACT

A. Immigration Courts Have Distinguished Between Statutory Eligibility And Discretionary Relief For Decades

IJs typically make two separate, but related, rulings before granting an application for cancellation of removal. The IJ first determines whether the non-citizen is statutorily eligible for relief. If the non-citizen is eligible, the IJ decides whether to exercise discretion to grant cancellation of removal (or, to use the older terminology, suspension of deportation). *See Matter of Monreal*, 23 I. & N. Dec. 56, 58 (BIA 2001).

This two-prong inquiry predates IIRIRA's enactment in 1996. Under the statute's predecessors, noncitizens could apply for suspension of deportation if certain factors were satisfied, including whether "deportation would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or on alien

lawfully admitted for permanent residence." Pub. L. No. 87-885, § 4, 76 Stat. 1247, 1247-1248 (1962). That scheme—like the current one imposed by the IIRIRA—called for immigration courts to make an initial eligibility determination separate from considering whether to grant discretionary relief. *See, e.g.*, *Matter of Louie*, 10 I. & N. Dec. 223, 226 (BIA 1963) (holding that applicant satisfied statutory requirements of section 244(a)(1) of the INA before concluding that "th[e] case merits the exercise of the discretion to suspend deportation").

In distinguishing between the two steps of the inquiry, immigration courts explained that the discretionary decision whether to grant relief is not governed by any statutory standard. Indeed, it would be "undesirabl[e] and 'difficul[t], if not impossib[le] [to] defin[e] any standard in discretionary matters of this character which may be applied in a stereotyped manner." *Matter of Marin*, 16 I. & N. Dec. 581, 584 (BIA 1978) (quoting *Matter of L--*, 3 I. & N. Dec. 767, 770 (BIA & A.G. 1949)).

Immigration courts have continued this same basic approach in determining whether to grant cancellation of removal under IIRIRA—applying the statutory standards at step one while exercising congressionally unguided discretion at step two. *See Matter of Monreal*, 23 I. & N. Dec. at 56. Indeed, in several cases, the BIA has observed that—had there been no statutory requirement to establish "exceptional and extremely unusual hardship"—it would have exercised its discretion to grant relief. *E.g.*, *In re Loera Lujan*, 2004 WL 2374696, at *1 (BIA Aug. 9, 2004) ("[I]f the issue before us was one simply of discretion, we certainly would rule in the respondent's behalf. However, we cannot find that the evidence of record, considered individually and cumulatively, supports a finding of 'exceptional and extremely unusual hardship' to the respondent's son."); *Matter of*

Monreal, 23 I. & N. Dec. at 65 (similar). In other words, immigration courts do not treat the hardship issue as a formless decision that could permissibly differ from IJ to IJ—rather, whether hardship exists is determined by applying the established facts to a fixed legal standard that itself requires consideration of certain delineated factors.

B. Whether An Applicant Has Satisfied The "Exceptional And Extremely Unusual Hardship" Standard Is A Statutory Eligibility Issue That Is A Mixed Question Of Law And Fact

"[T]he question whether a given set of facts meets a particular legal standard … present[s] a legal inquiry" that is reviewable under 8 U.S.C. 1252(a)(2)(D). *Guerrero-Lasprilla* v. *Barr*, 140 S. Ct. 1062, 1068 (2020). In amici's experience, whether an applicant has satisfied the hardship standard for cancellation of removal is a classic question of application of law to a set of facts. *See, e.g.*, *In re Ortega-Mendoza*, 2010 WL 2846330, at *1 (BIA June 28, 2010) (applying "de novo review of the application of law to the facts" to affirm IJ's conclusion that noncitizen had not satisfied the hardship standard); *see also Matter of Andazola*, 23 I. & N. Dec. 319, 323 (BIA 2002) ("[T]he relative level of hardship a person might suffer … must necessarily be assessed at least in part by comparing it to the hardship others might face."). Indeed, the EOIR has explained that while the "facts that a respondent claims make up 'exceptional and extremely unusual hardship'" are reviewed under the "clearly erroneous" standard, "[w]hether those facts … amount to … 'hardship' under the Act may be reviewed by the Board *de novo*." Board of Immigration Appeals: Procedural Reforms To Improve Case Management, 67 Fed. Reg. 54,878, 54,890 (Aug. 26, 2002); *see also* 8 C.F.R.

§ 1003.1(d)(3)(i)-(ii) (an IJ's findings of fact are reviewed for clear error while other issues, including "questions of law" are reviewed de novo).

Just like the examples given in *Guerrero-Lasprilla—e.g.*, an FRCP 12(b)(6) ruling, a qualified-immunity decision, *see* 140 S. Ct. at 1068—the hardship determination requires an immigration court to assess whether an established set of facts meets a legal standard. Specifically, the immigration court determines whether the hardship standard has been met "based on a cumulative consideration of all hardship factors," which encompasses the "ages, health, and circumstances"—such as emotional, educational, or economic—of qualifying relatives. *Matter of Monreal*, 23 I. & N. Dec. at 63; *Matter of J-J-G-*, 27 I. & N. Dec. 808, 811, 814 (BIA 2020).

If anything, the hardship determination more naturally falls on the "legal" side of the line than the question at issue in *Guerrero-Lasprilla—i.e.*, whether a litigant was acting diligently for purposes of equitable tolling. *See* 140 S. Ct. at 1068-1069. The former requires the interpretation of statutory text; the latter merely requires the immigration court to determine whether the factual predicate for a judge-made exception to the statute of limitations applies. Indeed, this Court has explained that the equitable tolling doctrine is so "flexibl[e]" that it permits courts to evade "more absolute legal rules" as "necessary to correct … particular injustices"—a quintessential scenario where courts are required to exercise their "judgment," and if necessary, grant certain litigants "special treatment." *Holland* v. *Florida*, 560 U.S. 631, 650 (2010). The hardship analysis does not countenance such discretionary wiggle room. *See supra* pp. 5-6.

More broadly, immigration courts have no difficulty in distinguishing between the facts underlying the hardship determination and the hardship determination itself. Where, as here, the hardship claim is based on the health of a qualifying relative, an applicant first needs to establish facts permitting the immigration court to conclude that the "relative has a serious medical condition and, if he or she is accompanying the applicant to the country of removal, that adequate medical care for the claimed condition is not reasonably available in that country." *Matter of J-J-G-*, 27 I. & N. Dec. at 811. The immigration court then considers whether those facts are sufficient to meet the hardship standard. In doing so, immigration courts look to BIA precedent and precedent issued by pre-IIRIRA Article III courts. For instance, the BIA in *Matter of J-J-G-* concluded that even if qualifying family members suffered from serious diseases and would face inferior or cost prohibitive treatment in another country, applying the law to those facts, precedent made clear that a lower standard of medical care "'will be insufficient in [itself] to support a finding of exceptional and extremely unusual hardship.'" *Id.* at 813 (alteration in original) (quoting *Matter of Monreal*, 23 I. & N. Dec. at 63-64).

Immigration courts employ the same approach in assessing other types of hardships. Take *Matter of Andazola*. There, the BIA accepted the applicant's factual contentions and evidence regarding "poor economic conditions in Mexico" and that "deportation would result in drastic economic consequences to [the applicant] and her children." 23 I. & N. Dec. at 323. But under the BIA's precedent under the predecessor statute discussed above—precedent that relied on Article III opinions—the BIA concluded that "economic detriment alone is insufficient to support even a finding of extreme

hardship," much less "exceptional and extremely unusual hardship." *Id.* at 323-324 (citing *Matter of Pilch*, 21 I. & N. Dec. 627 (BIA 1996), in turn citing *Palmer* v. *INS*, 4 F.3d 482, 488 (7th Cir. 1993) and *Mejia-Carrillo* v. *United States INS*, 656 F.2d 520, 522 (9th Cir. 1981)); *see also In re Ortega-Mendoza*, 2010 WL 2846330, at *2 ("We have long held that reduced economic and educational opportunities, without more, do not rise to the level of 'exceptional and extremely unusual' hardship.").

Similarly, in the context of educational hardships, the BIA has relied on Article III case law to support its conclusion that "[w]hatever differences there may be between the educational opportunities and lifestyle in the United States and the respondent's home country, these differences, without more, are insufficient to support a finding of exceptional hardship." *In re Chuyon Yon Hong A.K.A. Chu Hong*, 2006 WL 1647474, at *3 (BIA May 11, 2006) (per curiam) (citing *Ramirez-Durazo* v. *INS*, 794 F.2d 491, 499 (9th Cir. 1986)).

That the hardship question is—at root—a legal issue is further confirmed by the BIA's analysis in the seminal *Matter of Monreal* ruling, which helped lay the foundation for all future immigration court decisions on hardship. There, the BIA employed the same tools of statutory construction that an Article III court would use to interpret a statute to determine whether IIRIRA's hardship standard differed from its predecessor. The BIA examined the text, acknowledging that "the interpretation of statutory language begins with the terms of the statute itself" and "that the 'legislative purpose is presumed to be expressed by the ordinary meaning of the words used.'" 23 I. & N. Dec. at 58. The BIA relied on the dictionary definition of the terms "exceptional" and "extremely unusual." *Id.* The BIA also considered the relevant legislative history in an effort to

understand congressional intent. *Id.* at 59-60. And the BIA made a legal conclusion regarding the scope of the hardship provision—*i.e.*, that IIRIRA's standard imposed a higher bar than the predecessor statute. *Id.* at 62.

Subsequent immigration court decisions have both adopted the *Matter of Monreal* principle and expanded upon it in determining whether the particular set of facts in front of the agency satisfied the "'exceptional and extremely unusual hardship'" standard. *E.g.*, *Matter of Andazola*, 23 I. & N. Dec. at 324 (concluding that "the hardships presented here … are not the types of hardship envisioned by Congress" in IIRIRA); *Matter of J-J-G-*, 27 I. & N. Dec. at 814-815 (noting that "the application of the exceptional and extremely unusual hardship standard must be limited to truly exceptional situations" (internal quotation marks omitted)). That the hardship determination requires immigration courts "to expound on the law, particularly by amplifying or elaborating on a broad legal standard" is a strong indication that it is a legal question. *Guerrero-Lasprilla*, 140 S. Ct. at 1069. Although "[m]ixed questions are not all alike," with some being primarily legal and others primarily factual, *id.* at 1075 (Thomas, J., dissenting), the BIA's analysis parsing the text and statutory history of the cancellation-of-removal provisions reinforces the conclusion that this inquiry is more legal than factual—and certainly is more legal than the due diligence inquiry at issue in *Guerrero-Lasprilla*.

II. ARTICLE III REVIEW OVER NON-DISCRETIONARY DETERMINATIONS IS A CRITICAL CHECK ON INCONSISTENCIES AND ERRORS THAT CAN OCCUR IN OVERBURDENED IMMIGRATION COURTS

Judicial review of the hardship determination also serves an important practical purpose. It ensures that there will be a judicial double-check on the decision to deny cancellation of removal, a result that is "often [the equivalent of] banishment or exile.'" *Sessions* v. *Dimaya*, 138 S. Ct. 1204, 1213 (2018) (plurality op.). Indeed, "[p]articularly" in the context of "questions concerning the preservation of federal-court jurisdiction," this Court interprets statutes with the presumption that "'executive determinations generally are subject to judicial review'" and "assumes that 'Congress legislates with knowledge of' the presumption." *Kucana* v. *Holder*, 558 U.S. 233, 251-252 (2010); *see also Guerrero-Lasprilla*, 140 S. Ct. at 1069 (similar). Any other approach would not only risk error but raise "[s]eparation-of-powers concerns" by placing "in executive hands authority to remove cases from the Judiciary's domain." *Kucana*, 558 U.S. at 237.

The concerns that undergird the presumption of reviewability apply to hardship determinations.[3] A rule that an immigration court's hardship ruling is unreviewable by an Article III court would preclude the development of uniform precedent on mixed questions of

[3] Notably, appellate courts treat other statutory-eligibility criteria for cancellation of removal as questions of law that are reviewable de novo. *See, e.g.*, *Rosario-Mijangos* v. *Holder*, 717 F.3d 269, 277 (2d Cir. 2013) (physical presence requirement); *Saucedo-Arevalo* v. *Holder*, 636 F.3d 532, 532 (9th Cir. 2011) (per curiam) (same); *Hernandez* v. *Garland*, 28 F.4th 917, 921 (8th Cir. 2022) (good moral character requirement).

immigration law, and deny those facing removal access to the normal checks that the judiciary places on executive decision-making. Lack of review is particularly problematic given the gravity of removal (where a wrong decision could result in unwarranted exile) and the resource constraints faced by immigration courts and the BIA. Foreclosing judicial review would leave individuals aggrieved by an incorrect hardship determination with "no remedy, no appeal to the laws of his country." *United States* v. *Nourse*, 34 U.S. (9 Pet.) 8, 28-29 (1835) (Marshall, C.J.). At the same time, it would remove from Article III courts the "supervisory authority" to check that non-discretionary determinations are correct. *Wellness Int'l Network, Ltd.* v. *Sharif*, 575 U.S. 665, 678 (2015).

A. Article III Review Can Help Avoid Inconsistencies In How The Hardship Standard Is Applied

Currently, "[v]irtually all BIA decisions are nonprecedential." Sayed, *The Immigration Shadow Docket*, 117 Nw. U. L. Rev. 893, 908 (2023); *see also id.* at 926 ("[T]he Board publishes as precedential a mere 0.001% of its decisions."). This has "greatly reduced [the BIA's] role of promoting uniformity and policy consistency[,]" and has thus led to greater inconsistencies in IJ decisions. Taylor, *Refugee Roulette in an Administrative Law Context*, 28 J. Nat'l Ass'n Admin. L. Judiciary 158, 176 (2008); *see also* Hausman, *The Failure of Immigration Appeals*, 164 U. Penn. L. Rev. 1177, 1187 (2016) (concluding that "[d]isparities across immigration judges are large and highly statistically significant").

Development of binding precedent is critical for any judicial system to sustain and expand its ability to produce efficient and consistent decisions. *See generally*

Cappalli, *The Common Law's Case Against Non-Precedential Opinions*, 76 S. Cal. L. Rev. 755 (2003)). Precedent, however, is especially crucial in the context of immigration law due to its confusing statutory language, reliance on state law, and complex factual situations—all of which "make[s] immigration law difficult to understand and apply." Sayed, 117 Nw. U. L. Rev. at 291.

In enacting Section 1252(a)(2)(D), Congress endowed Article III courts with the authority to fill the gap in the law left behind by the current BIA practice of issuing unpublished decisions. Indeed, a key purpose of the provision was to "restor[e] uniformity and order to the law" in the wake of confusion created by the interaction between IIRIRA and the constitutional rights of noncitizens, as recognized in *St. Cyr*. *See* H.R. Conf. Rep. No. 109-72, at 174 (2005). Just as Section 1252(a)(2)(D) helped eliminate some of the "uncertainty" surrounding which Article III courts could consider which issues of immigration law, *id.* at 174-175, the provision empowers Article III courts to help immigration courts increase the "predictability of immigration consequences," Benson, *You Can't Get There from Here*, 2007 U. Chi. Legal F. 405, 432. Section 1252(a)(2)(D) also permits Article III courts to assist immigration courts in "more accurately apply[ing] immigration law and … avoid[ing] inconsistencies across immigration decisions." Sayed, *The Immigration Shadow Docket*, 117 Nw. U. L. Rev. at 960. Such predictability and consistency are particularly vital in the context of a hardship determination like the one at issue in this case, where the stakes are high (potential exile for petitioner and health consequences for his son) and the guidance offered by the statutory text is minimal. Article III courts are well-equipped to provide needed guidance

and amici respectfully submit that this Court should refrain from stripping away their authority to do so.

B. Severe Resource Constraints Could Create Inadvertent Errors Correctable Via Article III Review

The EOIR has an astronomical backlog of 2 million cases and rising—more than double the number of pending cases in all federal district courts combined. *Compare* Straut-Eppsteiner, Cong. Research Serv., *Immigration Judge Hiring and Projected Impact on the Immigration Courts Backlog* 1-3 (July 28, 2023), https://sgp.fas.org/crs/homesec/R47637.pdf, *with* Federal Judicial Caseload Statistics (2022), https://www.uscourts.gov/judicial-caseload-indicators-federal-judicial-caseload-statistics-2022 (finding district courts have 761,028 pending civil and criminal cases). Assuming that the current administration does not expand the numbers of the roughly 650 IJs in service, the overall backlog could rise to over 3.1 million in ten years. Straut-Eppsteiner, *Immigration Judge Hiring* 7, 9.

Even under the current system, the 23-member BIA receives more appeals than all U.S. Courts of Appeals combined. *Compare, e.g.*, FY 2022 Performance Budget, Executive Office for Immigration Review 4 (May 2021), https://www.justice.gov/jmd/page/file/1398381/download (59,000 appeals), *with* Federal Judicial Caseload Statistics (2020) https://www.uscourts.gov/statistics-reports/federal-judicial-caseload-statistics-2020 (50,258 appeals). IJs, for their part, have on average backlogs of approximately 3,000 cases apiece, even though IJs have significantly less assistance than Article III judges have. One IJ described her experience as "nightmarish," explaining that to address her "pending caseload [of] about 4,000 cases," she had only "about half a judicial law clerk

and less than one full-time legal assistant to help [her]." ABA News, *Amid "Nightmarish" Case Backlog, Experts Call for Independent Immigration Courts* (Aug. 9, 2019), https://tinyurl.com/3uhsffac (citing past president of the National Association of Immigration Judges).

IJs also face significant pressure to prioritize speedy and efficient case dispositions, sometimes at the cost of careful scrutiny of cases. Jain, *Bureaucrats in Robes*, 33 Geo. Immigr. L. J. 261, 304-305 (2019). IJs have reported the view that their performance is evaluated based primarily or entirely on their ability to resolve cases as quickly as possible, not on the accuracy of their factual or legal conclusions. *Id.* at 300. As a result of this merciless pressure (and the fact that their cases "consist of one horrific story of human suffering after another"), IJs report more burnout than prison wardens and physicians in busy hospitals. Lustig et al., *Inside the Judges' Chambers*, 23 Geo. Immigr. L. J. 57, 57, 59 (2008).

Without Article III review, these background stressors increase the risk that errors will be left in place. Although IJs may know the "overall … landscape" of immigration law better than the courts of appeals, "the time and resource shortfalls that afflict agency decision-making may make its adjudicators more error-prone." Gelbach & Marcus, *Rethinking Judicial Review of High Volume Agency Adjudication*, 96 Tex. L. Rev. 1097, 1111 (2018). It is basic social science that "[t]he accuracy of human judgments decreases under time pressure." Edland & Svenson, *Judgment and Decision Making Under Time Pressure*, in *Time Pressure and Stress in Human Judgment and Decision Making* 27, 36 (Svenson & Maule eds., 1993).

None of this is intended to denigrate the hard work of—and long hours worked by—immigration courts.

But the resource constraints and related pressures on those courts are very real and the possibility of error that they create can have dramatic ramifications both for a noncitizen facing removal and for their family members who are United States citizens and lawful permanent residents. Article III review will help protect against the prospect that "crowded dockets or a backlog of cases" will lead immigration courts "to dispense with an adequate explanation" for their rulings "merely to facilitate or accommodate administrative expediency." *Valarezo-Tirado* v. *Attorney Gen.*, 6 F.4th 542, 549 (3d Cir. 2021).

CONCLUSION

Amici join petitioner in requesting that the judgment of the Third Circuit be reversed.

Respectfully submitted.

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SEPTEMBER 2023

APPENDIX

APPENDIX
TABLE OF CONTENTS

APPENDIX

List of Amici Curiae

1. **The Honorable Steven Abrams** served as an Immigration Judge at the New York, Varick Street, and Queens Wackenhut Immigration Courts in New York, New York, from 1997 until 2013.
2. **The Honorable Esmerelda Cabrera** served as an Immigration Judge in New York, New York, and Newark and Elizabeth, New Jersey, from 1994 until 2005.
3. **The Honorable Jeffrey S. Chase** served as an Immigration Judge in New York, New York, from 1995 until 2007.
4. **The Honorable George T. Chew** served as an Immigration Judge in New York, New York, from 1995 until 2017.
5. **The Honorable Joan V. Churchill** served as an Immigration Judge in Washington, DC-Arlington, Virginia, from 1980 until 2005, including 5 terms as a Temporary Member of the Board of Immigration Appeals.
6. **The Honorable Matthew D'Angelo** served as an Immigration Judge in Boston, Massachusetts, from 2003 until 2018.
7. **The Honorable Lisa Dornell** served as an Immigration Judge in Baltimore, Maryland, from 1995 until 2019.
8. **The Honorable Bruce J. Einhorn served** as an Immigration Judge in Los Angeles, California, from 1990 until 2007.

9. **The Honorable Cecelia M. Espenoza** served as a Member of the Board of Immigration Appeals from 2000 until 2003.

10. **The Honorable Noel Ferris** served as an Immigration Judge in New York, New York, from 1994 until 2013.

11. **The Honorable Alberto E. Gonzalez** served as an Immigration Judge in San Francisco, California, from 1995 until 2005.

12. **The Honorable John F. Gossart, Jr.** served as an Immigration Judge in Baltimore, Maryland, from 1982 until 2013.

13. **The Honorable Paul Grussendorf** served as an Immigration Judge in Philadelphia, Pennsylvania, and San Francisco, California, from 1997 until 2004.

14. **The Honorable Miriam Hayward** served as an Immigration Judge in San Francisco, California, from 1997 until 2018.

15. **The Honorable Charles Honeyman** served as an Immigration Judge in Philadelphia, Pennsylvania, and New York, New York, from 1995 until 2020.

16. **The Honorable Carol King** served as an Immigration Judge in San Francisco, California, from 1995 until 2017 and was a temporary Member of the Board of Immigration Appeals for six months between 2010 and 2011.

17. **The Honorable Eliza C. Klein** served as an Immigration Judge in Miami, Florida; Boston, Massachusetts; and Chicago, Illinois, from 1994 until 2015 and as a Senior Immigration Judge in Chicago from 2019 until 2023.

18. **The Honorable Dana Leigh Marks** served as an Immigration Judge in San Francisco, California, from 1987 until 2021.

19. **The Honorable Steven Morley** served as an Immigration Judge in Philadelphia, Pennsylvania, from 2010 until 2022.

20. **The Honorable Charles Pazar** served as an Immigration Judge in Memphis, Tennessee, from 1998 until 2017.

21. **The Honorable Laura Ramirez** served as an Immigration Judge in San Francisco, California, from 1997 until 2018.

22. **The Honorable John W. Richardson** served as an Immigration Judge in Phoenix, Arizona, from 1990 until 2018.

23. **The Honorable Susan Roy** served as an Immigration Judge in Newark, New Jersey, from 2008 until 2010.

24. **The Honorable Paul W. Schmidt** served as an Immigration Judge in Arlington, Virginia, from 2003 until 2016. He previously served as Chairman of the Board of Immigration Appeals from 1995 until 2001 and as a Board of Immigration Appeals Member from 2001 until 2003.

25. **The Honorable Patricia M. Sheppard** served as an Immigration Judge in Boston, Massachusetts, from 1993 until 2006.

26. **The Honorable Ilyce S. Shugall** served as an Immigration Judge in San Francisco, California, from 2017 until 2019.

27. **The Honorable Helen Sichel** served as an Immigration Judge in New York, New York, from 1997 until 2020.

28. **The Honorable Andrea Hawkins Sloan** served as an Immigration Judge in Portland, Oregon, from 2010 until 2017.

29. **The Honorable Tuê Phan-Quang** served as an Immigration Judge in San Francisco, California, from 1995 until 2012.

30. **The Honorable Gabriel C. Videla** served as an Immigration Judge in New York, New York, and Miami, Florida, from 1994 until 2022.

31. **The Honorable Robert D. Vinikoor** served as an Immigration Judge in Chicago, Illinois, from 1984 until 2017.

32. **The Honorable Polly A. Webber** served as an Immigration Judge in San Francisco, California, from 1995 until 2016.